



Civil Penalties

Facts and Figures

- According to a September 2015 poll by Texas Lyceum, 74.5% of voters in Texas support a change in the law to reduce the maximum punishment for possessing small amounts of marijuana to a citation and a fine¹.
- A civil penalty bill was presented in the 84R Legislative session. The fiscal note estimated that such a bill would save the state almost \$2 million over two years.²
- Studies show marijuana is less toxic, less addictive, and less dangerous than alcohol. Imposing possible jail time and the lifelong stigma of a criminal record for possessing marijuana is disproportionate and unfair.
- Criminal and arrest records limit future employability, educational opportunities, and housing options, causing perpetual harm to families and communities.
- Enforcement of low-level possession laws unfairly target minorities. Black Texans are 2.3 times more likely to be arrested for low-level possession, even though whites consume marijuana at about the same rate.³
- In 2012, there were 72,150 marijuana arrests or citations in Texas, 98% of which were for possession — with each arrest costing taxpayers an estimated \$10,000. During the same period, 90% of all burglaries, over half of all reported rapes, and a quarter of all murders went unsolved.⁴ Also during 2012, Texas public schools spent only \$8,500 to educate one child for one year, ranking 44th in the nation.⁵
- Citing and releasing those who possess small amounts of marijuana -- and allowing defendants to simply pay the fine by mail -- would allow police, prosecutors, and courts to spend more resources on preventing and solving crimes with victims.

¹ <http://www.texaslyceum.org/2015poll>

² <http://www.capitol.state.tx.us/tlodocs/84R/fiscalnotes/html/HB005071.htm>

³ The War on Marijuana in Black and White, ACLU Foundation, June 2013.
<https://www.aclu.org/files/assets/1114413-mj-report-rfs-rel1.pdf>

⁴ Data from the FBI's Uniform Crime Reporting for 2012

⁵ [http://www.nea.org/assets/img/content/NEA_Rankings_And_Estimates-2013_\(2\).pdf](http://www.nea.org/assets/img/content/NEA_Rankings_And_Estimates-2013_(2).pdf) pg 55

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Myths and Rebuttals

“Marijuana is a “gateway drug” that leads to harder drugs.”

- Nearly half of U.S. adults have tried marijuana. Very few ever try harder drugs.⁶ The gateway theory has been debunked by every major study done on the subject.⁷
- If there is a gateway drug, it's alcohol, which nearly always precedes marijuana use. Few would suggest alcohol use causes people to try marijuana.⁸

“Lowering penalties would lead to more use.”

- Twenty states (43% of Americans), including Alaska, Nevada, and North Carolina, have removed jail time for low-end marijuana possession, and exhibit no evidence to support this claim. In Nebraska and Mississippi, for example, teen use is actually lower than in Texas.⁹
- Studies show that raising penalties for marijuana use does not deter behavior, and lowering penalties does not encourage behavior.¹⁰

“Reducing penalties sends the wrong message to teens.”

- Possession would still be illegal, even if penalties were reduced.
- Even where marijuana is legal and widely available to adults, teen marijuana use has not been affected. In fact, the Colorado Department of Public Health and Environment released the results of the 2015 Healthy Kids Colorado Survey¹¹ which showed that teen use rates were flat between 2011 (22.0%), just prior to legalization, and 2015 (21.2%).
- The message we're currently sending them is that they deserve a future of second class citizenship if they choose to use marijuana, a substance we know to be objectively safer than alcohol, tobacco, and many prescription drugs — all of which are legal.

⁶ CNN/ORC International survey, January 6, 2014

⁷ “Marijuana and Medicine: Assessing the Science Base,” p. 6, Institute of Medicine (1999):

http://www.nap.edu/openbook.php?record_id=6376; “Predictors of Marijuana Use in Adolescents Before and After Licit Drug Use: Examination of the Gateway Hypothesis,” Tarter, et. al. (2006), American Journal of Psychiatry:

<http://ajp.psychiatryonline.org/article.aspx?articleid=97496>; “Using Marijuana May Not Raise the Risk of Using Harder Drugs,” (RAND 2002), published in the British Journal of Addiction: http://www.rand.org/pubs/research_briefs/RB6010/index1.html; “A Life Course Perspective on the Gateway Hypothesis,” Gundy and Rebellion (2010), Journal of Health and Social Behavior

⁸ Kirby, T. and Barry, A. E. (2012), “Alcohol as a Gateway Drug: A Study of U.S. 12th Graders: Journal of School Health, 82: 371–379. doi: 10.1111/j.1746-1561.2012.00712

⁹ “CDC Youth Risk Behavior Surveillance Survey,” 2013”: <http://nccd.cdc.gov/youthonline/App/Results.aspx?LID=M>

¹⁰ Single, E., Christie, P., and Ali, R. (2000). The impact of cannabis decriminalization in Australia and the United States. Journal of Public Health Policy, 21, 157-186. See also Chaloupka, F. J., Grossman, M., and Tauras, J. A. (1999). The demand for cocaine and marijuana by youth. In: Chaloupka, F., Grossman, M., Bickel, W.K., Saffer, H. (Eds.), The Economic Analysis of Substance Use and Abuse. The University of Chicago Press, Chicago, IL, pp. 133 – 155.)

¹¹ <https://www.colorado.gov/pacific/cdphe/news/HKCS2015>